



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,962	11/18/2003	Rainer Birkenbach	SCHWP0184USA	5397
<div>7590 Don W. Bulson, Esq. Renner, Otto, Boisselle & Sklar, P.L.L. 19th Floor 1621 Euclid Ave. Cleveland, OH 44115</div>			<div>EXAMINER KASZTEJNA, MATTHEW JOHN</div>	
			<div>ART UNIT 3739</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 01/22/2008</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,962

Applicant(s)

BIRKENBACH ET AL.

Examiner

Matthew J. Kasztejna

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 9, 10, 20, 22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 9, 10, 20, 22 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 31, 2007 has been entered.

Notice of Amendment

In response to the amendment filed on October 31, 2007, amended claims 1, 20 and 24 and new claim 26 are acknowledged. The current rejections of the claims are *withdrawn*. The following new grounds of rejection are set forth:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 6, 9, 20, 22 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,824,539 to Novak.

In regards to claims 1-2, 20 and 24, Novak discloses a system comprising: a device configured to accept and couple at least two medically applicable instruments 32, 48, 40, said at least two medically applicable instruments being coupled to at least two control apparatuses 36, 50, 42 having different manufacturer-specific input and/or output specifications, said device comprising: a central control unit 46 configured to coupled to input and/or output connections of said at least two control apparatuses having different manufacturer-specific input and/or output specifications, said central control unit including: at least one processor which receives output signals from the at least two control apparatuses having different manufacturer-specific formats and converts the output signals into a unified format (see Fig. 3 and Col. 7, Lines 10-37); and at least one processor which receives inputted control signals, converts the control signals into formats corresponding to the respective at least two control apparatuses having different manufacturer-specific formats, and transfers the converted control signals to the at least two control apparatuses to control the at least two medically applicable instruments (see Fig. 2 and Col. 3, Lines 23-57); a central input device 54, 55 coupled to the central control unit via a bus 12; and a central output display device 54 coupled to the central control unit via a bus 12 (see Figs. 1-3); wherein the bus provides electrical separation between the central input device and/or the central output display device and the central control unit (see Col. 5, Lines 53-67).

In regards to claim 2, Novak discloses a system, wherein the central control unit includes at least one processor 46, which converts different display information and/or

image formats into a predetermined, defined image format (see Figs. 3-5 and Col. 8, Lines 7-48).

In regards to claim 6, Novak discloses a system, wherein the central input device comprises a touch pad 24, 54 (see Figs. 1-2).

In regards to claim 9, Novak discloses a system, further comprising a storage device 45 (see Fig. 2). The word "for" in the claim may be properly interpreted as "capable of," and "capable of" does not require that reference actually teach the intended use of the element, but merely that the reference does not make it so it is incapable of performing the intended use.

In regards to claim 22, Novak discloses a system, wherein the output display device 54 is a single input and output display device comprised of a single touch screen display (see Figs. 2-3 and 5a-d).

In regards to claim 25, Novak discloses a system, wherein the central interface unit provides for selective display of data from different medically applicable apparatuses alone or in combination on the single output display device (see Figs. 2-3 and 5a-d and Col. 8, Lines 7-56).

In regards to claim 26, Novak discloses a system, wherein the central input device, the central output device 54, and the at least two medically applicable instruments are positioned in an operating theater 11, and the central control unit 46 and the at least two control apparatuses 34, 50, 42 are positioned outside the operating theater (see Fig.2).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,824,539 to Novak in view of U.S Patent No. 6,117,127 to Helmreich et al.

In regards to claim 3, Novak discloses a device for coupling at least two medically applicable instruments, wherein the instruments are coupled to at least two control apparatus but is silent with respect to the at least two control apparatuses coupled to the at least two medical apparatus being provided in a rack. Helmreich et al. teach of an analogous device for providing a medical workstation wherein all of the handheld instruments and components necessary for conducting a surgical procedure are readily available at a single common location (see Fig. 1). It would have been obvious to one skilled in the art at the time the invention was made to include a rack to hold the control apparatuses in the device of Novak in order to provide a more organized operating environment wherein all components are in a concentrated region as taught by Helmreich.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,824,539 to Novak in view of U.S Patent No. 6,471,363 to Howell et al.

In regards to claim 10, Novak discloses a device for coupling at least two medically applicable instruments, wherein the instruments are coupled to at least two control apparatus but is silent with respect to at least one device forming the system being mounted to a ceiling of an associated operating room. Howell et al. teaches of an analogous device for surgical purposes that is attached to the ceiling of an operating theater and comprises various cameras and monitors, which can be pivoted relative to each other, as disclosed by applicants specification. It would have been obvious to

mount at least one device in the system of Novak to the ceiling in order to provide optimal viewing in a surgical environment as taught by Howell et al.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 6, 9-10, 20, 22 and 24-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

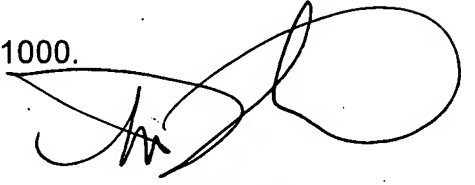
Application/Control Number:
10/715,962
Art Unit: 3739

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJK *MJK*

1/8/8


LINDA C. M. DVORAK
SUPERVISORY PATENT EXAMINER
GROUP 3700